

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57138 of 2024

Arising Out of PS. Case No.-625 Year-2022 Thana- FATEHPUR District- Gaya

Ashish Kumar, Son of Ramphul Yadav, Resident of Village - Dundu, P.O. -
Navdiha Jhurang, P.S. - Fatehpur, District – Gaya.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Advocate

For the Opposite Party/s : Mrs. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 30-08-2024

1. Heard learned counsel appearing on

behalf of the petitioner and learned Additional Public

Prosecutor appearing on behalf of the State.

2. The accused/petitioner is named in F.I.R.

and apprehending his arrest in connection with Fatehpur

P.S. Case No. 625 of 2022, registered for the offences

punishable under Section 30(a) of Bihar Prohibition

Excise and Amendment Act, 2018.

3. The allegation against the petitioner is to be

engaged in illegal trading/manufacturing of illicit liquor,

where, there is recovery 100 litres of IMFL/Mahua

Liquor from the motorcycle.



4. Learned counsel appearing on behalf of the petitioner submitted that implication of this petitioner appears in this case only being registered owner of the motorcycle, which found carrying illicit liquor. It is submitted that illicit liquor not appears to be recovered from the conscious physical possession of this petitioner. While concluding the argument, it is submitted that petitioner found involved in one more criminal case, where he is on bail.

5. Learned APP opposes the prayer of bail.

6. Considering the aforesaid facts and circumstances as alleged recovery of illicit liquor not appears to be made from the conscious physical possession of this petitioner, where his implication appears *prima facie* only being registered owner of the seized vehicle, accordingly, above named petitioner, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks of the order, is directed to be released on bail furnishing bail bond of Rs.



10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise-Court No. 04, Gaya/concerned Court, where the case is pending in connection with Fatehpur P.S. Case No. 625 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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